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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,698	01/02/2004	William D. Cottrell	8534-001	3826
4678 7590 08/21/2008 MACCORD MASON PLLC 300 N. GREENE STREET, SUITE 1600 P. O. BOX 2974 GREENSBORO, NC 27402			EXAMINER IDELL, JOSEPH T	
			ART UNIT 3636	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/750,698

Applicant(s)

COTTRELL ET AL.

Examiner

JOSEPH F. EDELL

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-9, 11, 14, 15, 17-20, 23-27, 29, 30, 32 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, 11, 14, 15, 17-20, 23-27, 29, 30, 32, 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claims 17-19, 34, 35, and 36 are objected to because of the following informalities:

- a. claims 17-19 and 34, "said posts" should read said two posts--;
- b. claim 35, line 2, "said at least one of said posts" should read --at least one of said two posts--;
- c. claim 36, line 2, "said posts" should read --said two posts--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 and 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In addition, Claims 15 and 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 15 recites that the peripheral device is “positioned directly above said posts.” However, the specification does not reasonably convey to one skilled in the art that Applicant had possession of this subject matter at the time of filing. Moreover, the specification does not describe this subject matter in such a way as to enable one skilled in the art to make and/or use the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-9, 11, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, “an adaptor” is recited in line 3 and “an adaptor” is recited line 5. It is unclear whether the two limitations define the same structural element or define separate structural elements.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-9, 15, 20, 23-27, and 30, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,669,668 to Leuchtmann.

Leuchtmann discloses a vehicle mounted peripheral device station that includes all the limitations recited in claims 1, 4-9, 15, 20, 23-27, and 30, as best understood. Leuchtmann shows a station having a vehicle seat (see Fig. 11) adapted to receive a removable headrest, two receptacles of the vehicle seat, a peripheral device 3 unattached to the removable headrest (see column 2, lines 23-35), an adaptor (Fig. 5) capable of replacing the removable device and capable of securing the peripheral device to the vehicle seat, a support surface 7 of the adaptor with top and bottom surfaces and a plurality of edges, two posts 6,6 of the adaptor directly attached to the bottom surface, a plurality of side walls 18,32,33 attached to the plurality of edges, spaced to frictionally receive the peripheral device, being noncontinuous, and including front, side, and back walls, a reduced height of the front wall (near slots 37), and a means for securing the peripheral device to the adaptor structural equivalent to that disclosed in the instant application wherein the back wall is noncontinuous (near recess 36) and the side wall 32 is continuous along the entire length of at least one of the plurality of edges and spaced to frictionally receive the peripheral device

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 14, 15, 18-20, 30, 32, 35, and 36, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,752,376 to Shelton et al. in view of U.S. Patent No. 6,668,285 B1 to Park et al.

Shelton et al. disclose a vehicle mounted peripheral device station that is basically the same as that recited in claims 1-4, 6, 14, 15, 18-20, 30, 32, 35, and 36, as best understood, except that the vehicle seat lacks two receptacles and the adaptor lacks two posts, as recited in the claims. See Figures 1-4 of Shelton et al. for the teaching that the station has a vehicle seat 24 adapted to receive a removable headrest, a peripheral device 58 unattached to the removable headrest, an adaptor 32 with at least one post 48 detachably connected to the seat, attached to the peripheral device, and capable of replacing the headrest and of securing the peripheral device to the seat, a support 34 connected to the adaptor and being a horizontal plate, and means for securing the peripheral device to the adaptor 66,72 functionally equivalent to that disclosed in the instant application, and at least one receptacle 30 to receive the post wherein peripheral device is a copier wherein the post is vertically pivotable, the plate has a plurality of edges (see Fig. 4), a plurality of side walls 40,42, one of the side walls is noncontinuous (wall 40 includes opening 44), and the seat includes a receptacle to receive the post.

Park et al. shows a station similar to that of Shelton et al. wherein the station has an adaptor (see Fig. 2) with two posts 22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the station

of Shelton et al. such that the vehicle seat has two receptacles and the adaptors has two posts, such as the station disclosed by Park et al. One would have been motivated to make such a modification in view of the suggestion in Park et al. that the posts and receptacle configuration allows a replacement station to be mounted to a standard vehicle seat.

Please note that Examiner reasonably interprets a copier as a machine for making copies of graphic matter (as printing, drawings, or pictures). The camera 58 of Shelton et al. inherently makes copies of graphic matter, and, therefore, is a copier.

Claims 11 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuchtmann in view of U.S. Patent No. 4,858,994 to Yamashita.

Leuchtmann discloses a station that is basically the same as that recited in claims 11 and 29 except that the station lacks the specified securing means, as recited in the claims. Yamashita shows a vehicle mounted headrest device similar to that Leuchtmann wherein the device has a component 1 (see Fig. 2) and an adaptor 9 secured to the component by adhesive. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the station of Leuchtmann such that the securing means is adhesive, such as the device disclosed by Yamashita. One would have been motivated to make such a modification in view of the suggestion in Yamashita that adhesive tape attaches the adaptor to the headrest device.

Claims 17 and 34, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuchtmann in view of U.S. Patent No. 6,883,870 B2 to Jost.

Leuchtmann discloses a station that is basically the same as that recited in claims 17 and 34, as best understood, except that the posts lacks adjustability, as recited in the claims. Jost shows a mounting station similar to that Leuchtmann wherein the station has an adaptor 19 (see Fig. 3) with two posts 6,6 such that one of the two posts is capable of adjusting to modify the distance between the two posts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the station of Leuchtmann such that at least one of the two posts is capable of adjusting to modify the distance between the two posts, such as the station disclosed by Jost. One would have been motivated to make such a modification in view of the suggestion in Jost that the adjustable posts allow for use in vehicle with various size seats.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-9, 11, 14, 15, 17-20, 23-27, 29, 30, 32, 34-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
August 23, 2008